

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**The Regents of the University of California
and Eolas Technologies Incorporated,**

Plaintiffs,

VS.

**The Walt Disney Company,
ESPN Internet Ventures, and
American Broadcasting Companies, Inc.**

Defendants.

Civil Action No. 6:12-cv-621

JURY TRIAL

JOINT MOTION TO DISMISS

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs The Regents of the University of California and Eolas Technologies Incorporated (“Plaintiffs”) and Defendants The Walt Disney Company, ESPN Internet Ventures, and American Broadcasting Companies, Inc. (“Defendants”) file this Joint Motion to Dismiss, requesting that the Court dismiss Plaintiffs’ claims against Defendants WITH PREJUDICE with respect to the patents asserted in Plaintiffs’ Complaint: United States Patent Nos. 5,838,906, 7,599,985, 8,082,293, and 8,086,662 and dismiss WITHOUT PREJUDICE as to any claims Plaintiffs may have, now or in the future based on any other unasserted patents, including, without limitation, any patents to issue from Application No. 13/292,434, filed November 9, 2011, or related applications.

Because Plaintiffs are voluntarily dismissing, with prejudice, their claims against Defendants for infringement of United States Patent Nos. 5,838,906, 7,599,985, 8,082,293, and 8,086,662, Defendants' claims for declaratory judgment on these patents are moot and should be dismissed as well.

Respectfully submitted,

McKool Smith, P.C.

/s/ John B. Campbell

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/s/ Jennifer H. Doan (with permission)

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**ATTORNEYS FOR DEFENDANTS
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INTERNET VENTURES, AND
AMERICAN BROADCASTING
COMPANIES, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Local Rule CV-5(a)(3)(A).

/s/ John B. Campbell

John B. Campbell